

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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FRANCIS C. MAY,

Plaintiff,

vs.

VILLAGE OF DEPEW, NEW YORK,  
MICHAEL WOZNIAK, Individually and in  
his official capacity as Public Building Inspector,  
FRED GRZYB, Individually and in his official  
capacity as Plumbing Inspector, and  
MATTHEW FILIPOWICZ, Individually and  
in his official capacity as Code Enforcement Officer,

Civil No.: 03 CV 6559

Defendants.

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FILED COURT  
U.S. DISTRICT COURT  
W.D.N.Y. ROCHESTER  
2005 DEC 14 PM 3:57

**ORDER**

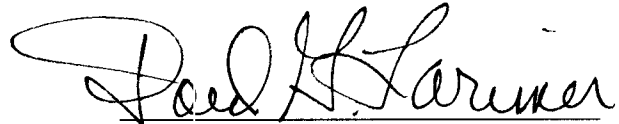
The Defendants, VILLAGE OF DEPEW, NEW YORK, MICHAEL WOZNIAK, Individually and in his office capacity as Public Building Inspector, FRED GRZYB, Individually and in his official capacity as Plumbing Inspector and MATTHEW FILIPOWICZ, Individually and in his official capacity as Code Enforcement Officer, having moved this Court for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing the Plaintiff's Complaint in its entirety and for such other and further relief as to this Court seems just and proper and said Motion having come on regularly to be heard;

NOW, on the Notice of Motion of aforesaid Defendants, dated April 15, 2005 (Docket No. 16), the Affidavit of Michael F. Perley, dated the 15<sup>th</sup> day of April, 2005 together with exhibits annexed thereto (Docket No. 17), the Memorandum of Law in Support of the Motion of the Defendants for Summary Judgment, dated the 15<sup>th</sup> day of April, 2005 (Docket No.

18), the Response in Opposition filed on behalf of the Plaintiff, FRANCIS C. MAY, by his attorney, Robert H. Slocum, filed with the Court on the 23<sup>rd</sup> day of May, 2005 (Docket No. 21) and the Reply/Response of the Defendants, dated and filed with the Court on June 13, 2005 (Docket No. 23), and after hearing Hurwitz & Fine, P.C. (Michael F. Perley, Esq., of counsel) attorney for the Defendants in support of said Motion and Robert A. Slocum, Esq., attorney for the Plaintiff, in opposition thereto and due deliberation having been had thereon; and upon the oral decision of the Court rendered on December 7, 2005; it is

ORDERED that the Motion of the Defendant be and the same is hereby in all respects granted; and it is further

ORDERED that the Complaint of the Plaintiff be and the same is hereby dismissed on the merits with prejudice.

A handwritten signature in cursive script, reading "David G. Larimer".

Hon. David G. Larimer, U.S.D.J.

DATED: December 14, 2005  
Rochester, New York